

ELBRIDGE W. SMITH [HI #2079]

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Claims Administrator

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

GREGORY TAPAOAN; MICHAEL) CIVIL NO. 01-00815 DAE LEK

MARS; PEDRO RIBERIO; JOHN L.) (Class Action; Injunctions)

LEVAN; FLOYD SANTOS; FLOYD)

SYLVESTER; LEO TOILOLO;) CLAIMS ADMINISTRATOR'S

JOSE BACDAD; and GEORGE) FINAL REPORT;

RABAGO,) CERTIFICATE OF SERVICE

)

Plaintiffs,)

vs.)

) Magistrate Judge Leslie E. Kobayashi

BENJAMIN CAYETANO, et al.,)

)

Defendants.)

) June 18, 2007

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CLAIMS ADMINISTRATOR'S FINAL REPORT

COMES NOW, Claims Administrator Elbridge W. Smith, [herein "Claims Administrator"], and hereby submits this CLAIMS ADMINISTRATOR'S FINAL REPORT¹ in accordance with the Class Action Settlement Agreement dated October

¹ The Administrator's Request for Compensation (Fees & Costs) has yet to be submitted.

28, 2004 and related Escrow and Claims Administration Agreement dated November 8, 2004 and the subsequent Orders of this Court.

Your Claims Administrator incorporates herein his prior December 26, 2006 Administrator's Report, etc., with attached Exhibits "A" and "B" which represents the substance and particulars of his work and result in this case, with the following few changes:

Claim No. 61: Amount = \$1,000.00; unable to locate; some mail returned, some not. Only had P.O. Box address; not forwardable. STOP PAYMENT order put on check, which did not come back, but was never cashed. Unable to locate via < peoplesearch.com > or other national criminal database or google.com search.

Claim No. 112: Amount = \$3,000.00; two persons (both potential class members) had same first and last name and some of their prison records, including the drill-down, were commingled, which we (and the State) did not at first realize. Later the State provided full and seemingly complete records on both individuals. Only one individual filed a claim and it was denied as unsubstantiated and he was not locateable to verify or dispute uncertain records. The other, who apparently had a \$3,000 claim, did not file originally and did not file despite multiple notices to his known Maui address and that of his prior counsel, who also so informed him of his right to file. No claim being received from this individual, the originally proposed payment, which had the wrong social security number (of the other class member), was then nullified.

Claim No. 137: Amount \$1,000.00; unable to locate. Max'd out from most recent at HCF. Inquiries sent to recent motor vehicle violations record address without response. Unable to locate via < peoplesearch.com > or other national criminal database or google.com search.

Claim No. 165: Amount \$1,000.00; check mailed to forwarding address provided by US Post Office; not cashed; no response to followup attempted communication. STOP PAYMENT order.

Claim No. 300: Amount \$3,000.00; unable to locate; attempted delivery to last known address provided by State following his release from FDC on state charges; check returned undeliverable, no forwarding address.


Thus the previously presented Exhibits "A" and "B" as your Administrator's proposed Plan of Allocation which this Court did approve and allow, by Order, those specific payments to be made to each of the 180 approved claimants before December 31, 2006, were attempted and successful except for the five (5) claims listed above, totaling \$9,000. Thus final pay-out to claims is adjusted from \$610,000 to \$601,000.²

Your Claims Administrator has also now verification that all awarded checks have been negotiated, save the five set forth above, all expenses have been accounted for and paid as approved, or as will be requested to be approved as part of your

² In doing so, your administrator notes that he has yet to submit his attorney fees and costs requests, which is in the process of finalization, having just received the final tax return filings for year 2007 from the retained CPA firm.

Administrator's costs and expenses.

DATED: Honolulu, Hawaii, June 18, 2007.

A handwritten signature in black ink, appearing to read "Elbridge W. Smith". The signature is written in a cursive, somewhat stylized script.

ELBRIDGE W. SMITH
Claims Administrator

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GREGORY TAPAOAN; et. al.)	CIVIL NO. 01-00815 DAE LEK
)	(Class Action; Injunctions)
Plaintiffs,)	
vs.)	
)	
BENJAMIN CAYETANO, et al.,)	CERTIFICATE OF SERVICE
Defendants.)	
_____)	

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the attached Claims Administrator's Final Report, was duly served by electronic filing and at their last known address:
Served Electronically through CM/ECF:

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Attorneys for Plaintiffs

DATED: Honolulu, Hawaii, June 18, 2007.



ELBRIDGE W. SMITH
Claims Administrator